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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,872	12/13/2000	Yigal Katzir	140/01667	9284
23373	7590	01/03/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGHIEM, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/735,872	<b>Applicant(s)</b> KATZIR ET AL.	
	<b>Examiner</b> Michael P. Nghiem	<b>Art Unit</b> 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 49-54, 61, 66, 67, 69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-54 is/are allowed.
- 6) ☒ Claim(s) 61, 66, 67, 69 and 70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The Amendment filed on December 21, 2005 has been acknowledged.

### ***Withdrawal of Allowability***

The indicated allowability of claims 61, 66, 67, 69, and 70 is withdrawn in view of the newly discovered reference(s) to Gross (US 6,765,934) and Takaoka et al. (US 6,477,188). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

Claims 61, 66, and 67 are objected to because of the following informalities:

- claim 61, "IR" (line 3) is not defined.
- claim 61, "LBO" (line 5) is not defined.
- claims 66, 67, "UV" (line 2) is not defined.

Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

Art Unit: 2863

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 61, 66, 67, 69, and 70 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4-8, 10-12 of U.S. Patent No. 6,765,934 (Gross) in view of U.S. Patent No. 6,477,188 (Takaoka et al.) and U.S. Patent No. 6,275,514 (Katzir et al.). Gross claims the following:

"Apparatus for recording an image on a photosensitive surface (claims 1, 7), comprising:

- a laser pulsed light source (claims 1, 2, 7, 8) that produces pulsed light having a first wavelength in the IR spectrum (claims 4, 10) and a pulse repetition rate (claim 13);

- a wavelength converter (claim 1, 7) that receives said pulsed light and outputs wavelength converted pulsed light having a second wavelength (claims 1, 7);

- a multi-channel modulator (modulator, claims 1, 7) that receives and modulates the wavelength converted pulsed light (claims 1, 7);

- a scanner (claims 1, 7) that scans the modulated wavelength converted pulsed light over the surface (claims 1, 7);

wherein the wavelength converted pulsed light has a wavelength which is in the UV spectrum (claims 1, 7);

wherein the wavelength converted pulsed light has a wavelength which is in the UV spectrum (claims 1, 7).”

However, Gross does not claim an LBO crystal type non-linear medium external to the laser cavity of said laser pulsed light source and the pulse repetition rate is less than a data rate at which said modulator modulates said pulsed light and the pulse repetition rate is multiplied by a pulse repetition rate multiplier.

Nevertheless, Takaoka et al. discloses an LBO crystal type non-linear medium (column 8, line 2) for the purpose of reducing the wavelength of the laser (column 7, line 66 – column 8, line 4) while

Katzir et al. discloses a pulse repetition rate multiplier (Abstract, line 5) for the purpose of producing a higher pulse repetition rate (Abstract, lines 5-8). Katzir et al. discloses that the initial pulse repetition rate can be lower than the data rate (claim 37).

Therefore, it would be obvious to provide Gross with the LBO crystal as disclosed by Takaoka et al. and a pulse repetition rate multiplier as disclosed by Katzir et al. for the purposes of reducing the wavelength of the laser and producing a higher pulse repetition rate.

***Allowable Subject Matter***

Claims 61, 66, 67, 69, and 70 would be allowable if rewritten or amended to overcome the double patenting rejection(s) set forth in this Office action.

Claims 49-54 are allowed.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

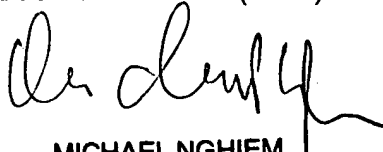
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL NGHIEM  
PRIMARY EXAMINER

Michael Nghiem

December 29, 2005